IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY & INTESTATE JURISDICTION

TESTAMENTARY SUIT NO.66 OF 1996
IN
TESTAMENTARY PETITION NO.681 OF 1995

Shantabai R. Joshi ....Plaintiff
V/s.
Aruna Preet M. Malik ....Caveatrix/ Defendant

Mrs.A.R. Lambay, Advocate, i/b. M/s.Lambay & Co., for the Plaintiff.

Mr.J.P. Sen, Advocate, i/b. Federal R. Ushmukant, for Caveatrix.

CORAM : S.J. VAZIFDAR, J.
DATED : 5TH OCTOBER, 2007.

P.C. :

1. By an order dated 16-1-2004, the learned Judge passed an order in terms of the consent terms entered into between the parties in Suit No.1810 of 1996. Under Clause 7 of the consent terms, Defendant No.1 therein i.e. the Petitioner herein undertook to withdraw the above / present Petition.

2. It was submitted that the Petitioner has taken out a Notice of Motion, being Notice of Motion No.3763 of 2007, inter-alia, for being partially relieved of the undertaking. It is further stated

that the Petitioner intends making an application for making ad-interim reliefs in that Notice of Motion. The order was passed almost four years ago. No steps have been taken till the said Notice of Motion.

3. In the circumstances, the above Petition shall stand withdrawn. This order, however, shall be subject to any ad-interim or interim orders that may be passed in the said Notice of Motion No.3763 of 2007. Further this order shall come into operation only after eight weeks from today.